

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

AHAMAD R. ATKINS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 17-cv-144-JPG

Criminal No 14-cr-40061-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Ahamad R. Atkins' motion for a copy of his "response" to his motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § § 2255 (Doc. 71). Since Atkins did not file a response to his own motion, the Court assumes he is asking for a copy of his amended reply brief (Doc. 52). And although Atkins does not expressly request a free copy, the Court assumes that is what he wants.

Litigants have no constitutional right to a complimentary copy of any document in their court files. *See United States v. Groce*, 838 F. Supp. 411, 413, 414 (E.D. Wis. 1993). Before providing copies free of charge, a district court may require the requestor to show: (1) that he has exhausted *all* other means of access to his files (*i.e.*, through his trial and appellate counsel), (2) that he is financially unable to secure access to his court files (*i.e.*, through a showing similar to that required in 28 U.S.C. § 1915(a)(2) which includes a certified copy of the prisoner's trust account for the previous six-month period prior to filing), and (3) that the documents requested are necessary for some specific non-frivolous court action. *See United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir. 1980); *Rush v. United States*, 559 F.2d 455, 459 (7th Cir. 1977); *Groce*, 838 F. Supp. at 413-14. These minimal requirements do not impose any substantial burden to financially unable prisoners who desire their records be sent to them at government expense.

There is likely no other source for Atkins to get a copy of his reply. However, he has not provided proof that he cannot afford to pay for one. Indeed, should he tender the required copying fee to the Clerk of Court, it will send him a copy. Finally, and most importantly, Atkins has not explained why he needs his brief for a specific, non-frivolous action. This case and its appeal are over, and the Court has already denied his motion for compassionate release in his criminal case, the only other matter he refers to in his motion for copies.

For these reasons, the Court **DENIES without prejudice** Atkins's motion for a free copy of his amended reply brief (Doc. 71).

IT IS SO ORDERED.

DATED: July 7, 2021

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE